

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LAUREN VASQUEZ,

Plaintiff,

-against-

J.B. HUNT TRANSPORT, INC.  
and NICHOL M. TRACEY,

Defendants.  
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Docket No.: 1:22-CV-00372

**NOTICE OF REMOVAL**

Supreme Court, Queens  
County Index No.: 7040971/2020

The defendants, **J.B. HUNT TRANSPORT, INC. and NICHOL M. TRACEY**, remove this action from the Supreme Court, Queens County to the United States District Court for the Eastern District of New York.

1. The plaintiff commenced this action against **J.B. HUNT TRANSPORT, INC. and NICHOL M. TRACEY**, in the Supreme Court of the State of New York, Queens County. A copy of the complaint is attached as **Exhibit "A"**.

2. The plaintiff, Lauren Vasquez, is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court.

3. The defendants are citizens of a state other than the State of New York and were citizens of a state other than the State of New York when this action was started in state court.

a.) J.B. Hunt Transport, Inc. is (and was) a corporation incorporated in the State of Georgia with its principal place in business in Lowell, Arkansas.

b.) Nichol M. Tracey, upon information and belief, resides and has been residing in Irvington New Jersey, Essex County when this action was started in state court. Nichol M. Tracey is a citizen of the State of New Jersey, County of Essex.

4. J.B. Hunt Transport, Inc. was served on May 18, 2020.

5. Defendants had previously attempted to remove this case to the United States District Court, Eastern District of New York on June 16, 2020 (see **Exhibit “B”**). However, in Memorandum & Order, dated July 27, 2020, Pamela K. Chen, United States District Judge, remanded the case back to the New York Supreme Court, Queens County, under Index No. 704097/2020, for lack of federal subject matter jurisdiction. Specifically, Judge Chen noted that plaintiff had not made an actual demand over \$75,000 (see **Exhibit “C”**).

6. Following remand to the State Court, defendants repeatedly asked plaintiff’s counsel for a demand, both in writing, email and on the telephone, for a specific demand, and plaintiff’s counsel would not provide one indicating that plaintiff was still under treatment and that they could not make a specific demand. Finally, on January 10, 2022, we received an email from plaintiff’s counsel with a demand of \$2,500,000 (see **Exhibit “D”**).

7. This court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, 28 U.S.C. § 1332(a)(1), because this action—both now and when it was started—is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

8. The defendants may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the District Courts of the United States have original jurisdiction that is brought in a state court.

9. All defendants join in the removal of this action to this Court.

Dated: New York, New York  
January 21, 2022

**RAWLE & HENDERSON LLP**  
Attorneys for Defendants  
**J.B. HUNT TRANSPORT, INC.**  
and **NICHOY M. TRACEY**



By: \_\_\_\_\_

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